

SLR:CPK:ESW
F.# 2011R00006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AMENDED
ORDER OF FORFEITURE

- against -

11-CR-0031 (KAM)

JOHN PORCELLO,
also known as
"Johnny Pizza",

Defendant.

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WHEREAS, on or about August 2, 2011, the defendant,
JOHN PORCELLO, also known as "Johnny Pizza" (the "Defendant"),
entered a plea of guilty to Count Five of the above-captioned
Indictment, charging a violation of 18 U.S.C. § 892(a);

WHEREAS, on August 25, 2011, the Court entered a
Preliminary Order of Forfeiture forfeiting all of the Defendant's
right, title and interest in \$4,074.00 in United States currency
seized from the Defendant on January 20, 2011 (the "currency").

WHEREAS, the United States subsequently learned that
the currency had been forfeited administratively at some point
before August 25, 2011, necessitating this Amended Order of
Forfeiture deleting the currency over which the Court had no
jurisdiction;

WHEREAS, the Defendant has consented to the
administrative forfeiture of all of his right, title and interest

in the currency; and

WHEREAS, the Defendant has consented the entry of, and to forfeit all of his right, title and interest in, a forfeiture money judgment in the amount of fourteen thousand sixty-six dollars (\$14,066.00) in United States currency (the "Forfeiture Money Judgment") pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, as property which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 892(a), and/or as substitute assets as defined in 21 U.S.C. § 853(p).

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED, on consent, as follows:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, and/or 21 U.S.C. § 853(p), the Forfeiture Money Judgment is entered against the Defendant, and the Defendant shall forfeit all of his right, title and interest in all payments made to satisfy the Forfeiture Money Judgment.

2. Payment of the Forfeiture Money Judgment shall be made by certified or bank check, payable to the "United States Marshals Service." Said checks shall be hand-delivered to Assistant United States Attorney Tanya Y. Hill, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201, with the criminal docket number noted on the face of each check.

3. Interest shall accrue on any unpaid portion of the Forfeiture Money Judgment at the judgment rate of interest from the date that the Defendant entered his plea of guilty. The Defendant agrees that the United States may execute the Forfeiture Money Judgment against any other assets of the Defendant, up to the outstanding balance, pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Act, or any other applicable law. The Defendant shall fully assist the United States in effectuating payment of the Forfeiture Money Judgment. The Defendant shall not file or interpose any claim, to the Seized Asset or against any property against which the Government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding.

4. Upon entry of this Order, the United States Attorney General, or his designee, is authorized to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3).

5. The terms contained herein shall be final and binding only upon the Court's "so ordering" of this Amended Order.

6. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Amended Order shall become final as to the Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

7. This Amended Order shall be binding upon the Defendant and the successors, administrators, heirs, assigns and transferees of the Defendant, and shall survive the bankruptcy of any of them.

8. This Amended Order supersedes and replaces the previously issued Preliminary Order of Forfeiture.

9. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Amended Order.

10. The Clerk of the Court is directed to send, by inter-office mail, four (4) certified copies of this executed Amended Order to the United States Attorney's Office, Eastern District of New York, Attention: FSA Senior Law Clerk William K. Helwagen, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
January 9, 2012

s/KAM

HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE